

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Case No. 20-CV-954**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and VITAL  
MANAGEMENT SERVICES, INC.,

Defendants.

**PLAINTIFF’S SUGGESTION OF  
SUBSEQUENTLY DECIDED  
AUTHORITY PURSUANT TO  
LOCAL RULE 7.3**

Pursuant to Local Rule 7.3(i), Plaintiff submits the following recently issued Order of the United States District Court for the Eastern District of North Carolina (“E.D.N.C. Court”) that is relevant to the issues presented in numerous outstanding discovery motions.

On June 27, 2023, the E.D.N.C. Court denied a motion to quash a subpoena that Plaintiff had issued to a third-party bank for financial records in this litigation.\* The Court ruled that Defendants in this litigation, as the account holders, have no standing to challenge a third-party subpoena for their bank records. *See* Ex. A, Order, *Azima v. Del Rosso*, 5:23-MC-00016-BO (E.D.N.C. Jun. 27, 2023), ECF No. 10 (“E.D.N.C. Order”).

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\* The District Court for the Eastern District of North Carolina (instead of this Court) decided the motion because under Rule 45 the situs for compliance with the subpoena was the Eastern District.

The E.D.N.C. Court's ruling directly applies to at least four motions to quash that are fully briefed and pending before the Court:

- Defendants' Emergency Motion to Quash Plaintiff's Subpoenas to First National Bank of Pennsylvania ("First National") and First Citizens Bank & Trust Co. ("First Citizens") – *see* ECF No. 122;
- Non-Party Shanahan Law Group's Motion to Quash Plaintiff's Subpoena to First National – *see* ECF No. 133;
- Defendants' Motion to Quash Plaintiff's Subpoena to Amex – *see* ECF No. 154; and
- Defendants' Motion to Quash Second Subpoena to First Citizens – *see* ECF No. 196.

The E.D.N.C. Order is also relevant to the proposed motion of Non-Party Dechert LLP to quash a subpoena Plaintiff issued to HSBC seeking bank records relating to Dechert. *See* ECF Nos. 238-242.

Plaintiff respectfully suggests that the Court should take notice of the E.D.N.C. Order as it considers the issues presented in those motions.

This, the 28th day of June, 2023.

**WOMBLE BOND DICKINSON (US) LLP**

/s/ Ripley Rand

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**IN THE UNITED STATES DISTRICT COURT  
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CASE NO. 20-CV-954-WO-JLW**

FARHAD AZIMA,

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v.

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VITAL MANAGEMENT  
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Defendants.

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification of this Notice to the following attorneys:

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This, the 28th day of June, 2023.

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